

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN AND JANE DOE NO. 1, et al.,	:	CASE NO. 3:22-cv-00337
	:	
	:	
Plaintiffs,	:	JUDGE MICHAEL J. NEWMAN
	:	
vs.	:	
	:	
BETHEL LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, et al.,	:	
	:	
Defendants.	:	

DECLARATION OF JESSICA FRANZ

I, Jessica Franz, declare:

1. My name is Jessica Franz. I am over the age of 21 and fully competent to make this declaration.
2. I have personal knowledge of all of the facts stated in this declaration.
3. I served as a member of the Bethel Local School District Board of Education (the “Board”) from January 10, 2022–September 2, 2022.
4. I resigned from the Board because I was elected to serve in a different office and could not serve in both roles at the same time.
5. I attended a meeting of the Board on December 7, 2021 (herein the “Meeting”).

6. At the end of the Meeting, the Board went into executive session outside of public observation. I was invited to attend the executive session although I was not a member of the Board at the time. I observed the entire executive session.

7. Present were Board members Jacob King, Lydda Mansfield, Lori Sebastian, Danny Elam, and Julie Reese; superintendent Justin Firks; and myself and Natalie Donahue.

8. I did not know what was to be discussed going into the executive session.

9. It became apparent that the purpose of the executive session was to discuss the school's rules for bathrooms and locker rooms in accordance with a student's chosen gender identity rather than biological sex.

10. The executive session lasted approximately one-and-a-half hours, and the discussion was dominated by the gender identity issue.

11. Mr. King and Mr. Firks explained that the school had a situation where a biological male, transgender student, wanted to use the girl's restrooms.

12. Mr. King and Mr. Firks also explained that they had spoken with the Board's attorney about the matter, John Podgurski. Mr. King and Mr. Firks further advised that Mr. Podgurski told them Bethel had to allow restroom use in accordance with a student's gender identity.

13. Mr. Podgurski was not present at the executive session and did not conference with the Board in any way during the executive session, whether by phone or otherwise. No other attorney was present or conferenced with the Board in any way during the executive session.

14. Jacob King controlled the discussion. And I was surprised at how quiet Mr. Firks was throughout the executive session.

15. Mr. King argued that the school had no choice but to allow restroom use in accordance with gender identity because the law required it.

16. Lydda Mansfield and Lori Sebastian also both spoke, expressing their opinions about the need for the same and arguing that the school had no choice.

17. I remember being disappointed that Mr. Podgurski was not available for questions since he was the authority that Mr. King, Ms. Mansfield, and Ms. Sebastian were using to support their views.

18. Without an attorney to question, it became apparent during the discussion that Julie Reese and Danny Elam consented to the views of Mr. King, Ms. Mansfield, and Ms. Sebastian.

19. Based on the discussion, and views expressed by the members of the Board, it was clear to me that the Board had arrived at a consensus and agreement on the matter.

20. Even though no roll-call vote was taken, it was clear to me that the decision had been made at that point.

21. I distinctly remember leaving the meeting with the impression that the board had reached a consensus to allow the transgender students use the restroom of their preference because I knew I would have to vote in the minority on the issue at my first public Board meeting on January 10, 2022. And I was already starting to prepare myself for that.

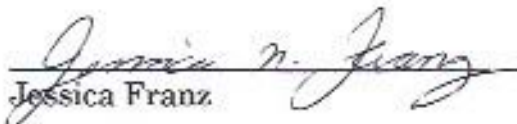
22. But at that first public Board meeting, I learned that I would not get to vote on the matter. The rule change had already been implemented.

23. I was surprised and extremely disappointed because I believed that the Board should have involved the community and made this decision in public.

24. During the executive session on December 7, 2021, and to the best of my recollection, the board discussed a cafeteria employee suspected of stealing; however, I remember that the Board did not discuss any other public employee, official, licensee, or other individual and/or a charge or complaint against them. In addition, I remember that there was no discussion regarding security arrangements and emergency response protocols related to the school's intimate facilities or the transgender issue.

I declare under penalty of perjury that the foregoing is true and correct.

Date 1/23/2023


Jessica Franz